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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 08-0131 PJH
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER EXCLUDING TIME FROM
v.	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(8)(A))
DEMETRIUS SMITH,	)	
	)	
Defendant.	)	

With the agreement of the parties, and with the consent of defendant Demetrius Smith, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from March 12, 2008, to March 26, 2008. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. Defendant requested this time exclusion in order to allow time to consult with his attorney about his options for proceeding with this case.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from March 12, 2008, to March 26, 2008, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, at the hearing on March 12, 2008, the Court ordered that the period from March 12, 2008, to March 26, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: March 13, 2008

/s/  
MICHAEL THORMAN  
Attorney for Defendant

DATED: March 12, 2008

/s/  
ANDREW P. CAPUTO  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PHYLLIS J. HAMILTON  
United States District Judge